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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,778	12/03/2003	Rudy A. Vandenberg	HW-130	6138
37275	7590	05/19/2004	EXAMINER	
LAW OFFICE OF A.P. DURIGON 20 EUSTIS STREET CAMBRIDGE, MA 02140				CINTINS, IVARS C
		ART UNIT		PAPER NUMBER
		1724		

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/726,778	VANDENBELT ET AL.	
	Examiner	Art Unit	
	Ivars C. Cintins	1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4 and 6-14 is/are rejected.
- 7) Claim(s) 5 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 3535679 A1. The reference discloses a filter cartridge comprising a housing (32) having mating top (34) and bottom (30) modules fastened in water-tight sealing relation, wherein the top housing module has a slotted dome (74) and a downwardly extending tube (60), and the bottom housing module has a cup-shaped base member (36) and a cylindrical wall which, together with the wall of the tube, provides an annular passageway (66) containing filter media, such that water to be treated flows downwardly through filter media in the tube and then upwardly through the filter media in the annular passageway, and prevents drying of the cartridge (see the last line of the abstract); and this is all that is required by claims 1-4. Furthermore, openings 68 in the top housing module prevent leakage of filter media and control flow rate, and are therefore patentably indistinguishable from the “inlet filter” recited in claim 6. Similarly, orifices 62 in the bottom housing module of this reference device prevent leakage of filter media and control flow rate, and are therefore patentably indistinguishable from the “outlet filter” recited in claim 7.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 3535679 A1 in view of Kahana (U.S. Patent No. 5,637,214). The primary reference discloses the claimed invention with the exception of the recited cartridge alignment tab. Kahana discloses a similar water purification cartridge in combination with a pitcher-type water purifier, and further discloses utilizing an alignment tab (i.e. 76) in order to properly position the filter cartridge in the pitcher. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the filter cartridge of the primary reference with the alignment tab of the secondary reference, in order to permit use of this primary reference filter cartridge in a pitcher-type water purifier.

Claims 9, 10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 3535679 A1 in view of Heinz (U.S. Patent No. 146,590). The primary reference discloses the claimed invention with the exception of the recited shape of the filter housing. Heinz shows a water filter cartridge having a housing which is wider than it is long; and it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the filter housing of the primary reference in the shape suggested by Heinz, in order to produce a more compact filter cartridge in this primary reference system.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 3535679 A1 and Heinz as applied above, and further in view of Kahana. The modified primary reference discloses the claimed invention with the exception of the recited alignment member (claim 11), and the type of filter media employed (claim 12). Kahana discloses utilizing an alignment member in order to properly position the filter cartridge in a pitcher-type water purifier; and it would have been obvious to one of ordinary skill in the art at the time the

invention was made to provide the filter cartridge of the modified primary reference with the alignment member of Kahana, in order to permit use of this modified primary reference filter cartridge in a pitcher-type water purifier. Kahana also discloses purifying drinking water with a mixture of ion exchange resin and activated carbon (see col. 3, lines 46-48); and it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the treatment material disclosed by Kahana for the treatment material of the modified primary reference, since this mixture of ion exchange resin and activated carbon is capable of purifying drinking water in substantially the same manner as the treatment material of the modified primary reference, to produce substantially the same results.

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowed if rewritten in independent form to include all of the limitations of the base claim and any intervening claims because the references of record do not teach or fairly suggest a filter cartridge of the type recited with means for externally mounting a filter to the dome of the lid member to provide pre-filtration.

Alhauser (U.S. Patent No. 4,578,187) and DeAre (U.S. Patent No. 5,076,922) disclose similar filter cartridges for purifying water.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (571) 272-1155. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Blaine Copenheaver, can be reached at (571) 272-1156.

The centralized facsimile number for the USPTO is (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ivars Cintins
Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
May 14, 2004